

REMARKS

Claims 1, 2, 4-11, 15-22 and 24-30 are now pending in the application. New claims 28, 29 and 30 are similar to objected to claims 10, 18 and 24, respectively. However, in each case, the recitation that radiation can be controlled for alternate transmission of radiation pulses has been removed from these new claims. Applicant asserts that this limitation is not need to distinguish the present invention from the relied upon references. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 2, 9 and 22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

With regard to claim 9, in an exemplary embodiment, the two lasers cooperate by forming an "overall line" at relevant distances from the sensing device. In other words, objects in the monitored zone are illuminated with a line. Actually, this line has a certain width which means that objects in the monitored zone are actually illuminated by a rectangle. This rectangle is reflected from the object and impinges on the receiver as shown in Figure 2. Thus, matching the receiver device to the shape of this rectangular total radiation front, which is jointly generated by the two transmitter modules, simply means that the receiver device - specifically the optically active area of the receiver device - also has a rectangular form having approximately the same length and width as the rectangular radiation front.

Remaining claims have been amended to address the Examiner's concerns. Therefore, reconsideration and withdrawal of this objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, 4-9, 11, 15-17, 19-22 and 25-27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,793,491 (Wangler). This rejection is respectfully traversed.

Wangler is directed generally to an intelligent vehicle highway system sensor. A diode laser-based vehicle detector and classifier employs a rotating polygon mirror to scan a pulsed laser rangefinder across three lanes of a highway in order to measure the presence of vehicles. Of note, the laser diodes 202 cooperate with different reflection surfaces of the polygon (see in particular Figure 4). In contrast, Claim 1 of the present application recites a "deflection device has a common planar reflection surface configured to receive radiation transmitted by each of the transmitter modules". The arrangement and orientation of the laser diodes in Wangler is matched to the provision of the polygon mirror. Thus, without a complete reconstruction of the Wangler device, it is not possible to make use of one common planar reflection surface as recited in the present application. Therefore, it is respectfully submitted that Claim 1, along with claims depending therefrom, defines patentable subject matter over Wangler.

With regard to Claim 22, applicants are not able to find any passage in Wangler according to which the two laser diodes 202 are controlled such that radiation is emitted with a time offset as recited in this claim. Due to the provision of the polygon mirror 302, such a time offset would not make any sense. Therefore, it is respectfully

submitted that Claim 22, along with claims depending therefrom, defines patentable subject matter over Wangler. However, if the Examiner elects to maintain this rejection, applicant requests that the Examiner call the applicant to explain his interpretation of this reference prior to issuance of another Office Action.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 10, 18 and 24 would be allowable if rewritten in independent form. Accordingly, Applicant has amended these claims to include the limitations of the base claim and any intervening claims. Therefore, claims 10, 18 and 24 should now be in condition for allowance.

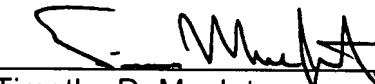
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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